

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

NORMAN TODD,)	
)	
Plaintiff,)	
)	
vs.)	CASE NUMBER 2:07-CV-149-MEF
)	
CITY OF CLANTON, ALABAMA, a)	
municipal corporation; by and through)	JURY TRIAL DEMANDED
its MAYOR, HONORABLE BILLY)	
JOE DRIVER, in his official capacity as)	
Mayor and individually; POLICE CHIEF)	
JAMES HENDERSON, in his official)	
capacity, as well as individually;)	
CORPORAL GREG CHARLES, in his)	
official capacity and individually; and)	
CHRISTINE LITTLEJOHN, an)	
individual,)	
)	
Defendants.)	

DEFENDANTS' EVIDENTIARY SUBMISSION
IN SUPPORT OF THEIR MOTION TO DISMISS

Come now the City of Clanton, Alabama, a municipal corporation, ("the City"), Mayor Billy Joe Driver, Police Chief James Henderson and Greg Charles o file this, Evidentiary Submission in Support their Motion to Dismiss, and submit the following:

1. The defendants file herewith the January 10, 2005 Police Report, attached hereto as **Exhibit 1** hereof.
2. The defendants file herewith the plaintiff's Notice of Claim, attached hereto as **Exhibit 2** hereof.

/s/ James W. Porter II

James W. Porter II, one of the
Attorneys for Defendants, City of Clanton,
Mayor Billy Joe Driver, James Henderson, and Greg
Charles
State Bar ID ASB 3314 T79J
State Code POR001

/s/ Natalie A. Daugherty

Natalie A. Daugherty, one of the
Attorneys for Defendants, City of Clanton,
Mayor Billy Joe Driver, James Henderson, and Greg
Charles
State Bar ID ASB 3314 T79J
State Code POR001

OF COUNSEL:

PORTER, PORTER & HASSINGER, P.C.
P.O. Box 128
Birmingham, Alabama 35201-0128
(205) 322-1744
Fax: (205) 322-1750

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been ***electronically filed*** with the Clerk of the Court using the CM/ECF system which will send notification of such filing upon the following, this the 16th day of March, 2007. If Notice of Electronic Filing indicates that Notice should be delivered by other means to any of the following, I certify that a copy will be sent via U.S. Mail, properly addressed, postage prepaid.

Donald G. Madison, Esq.
418 Scott Street
Montgomery, AL 36104

/s/ James W. Porter II
OF COUNSEL

EXHIBIT 1

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

1 INCIDENT - OFFENSE		2 CASE #		3 SFX	
4 DATE AND TIME OF THIS REPORT		5 AGENCY NAME		6 SUPPLEMENT ORIGINAL OFFENSE DATE	
7 REPORTED BY		8 ADDRESS (STREET, CITY, STATE, ZIP)		9 PHONE	
10 VICTIM LAST, FIRST, MIDDLE NAME		11 ADDRESS (STREET, CITY, STATE, ZIP)		12 PHONE	
13 EMPLOYER/ACHS		14 OCCUPATION		15 ADDRESS (STREET, CITY, STATE, ZIP)	
16 INJURY		17 RACE		18 SEX	
19 AGE		20 DOB		21 WAS OFFENDER KNOWN TO VICTIM?	
22 VICTIM WAS (EXPLAIN RELATIONSHIP)		23 DEGREE (CIRCLE)		24 STATE CODE/LOCAL ORDINANCE	
25 PLACE OF OCCURRENCE		26 DEGREE (CIRCLE)		27 STATE CODE/LOCAL ORDINANCE	
28 POINT OF ENTRY		29 METHOD		30 ASSAULT	
31 WEATHER		32 PREMISE		33 TREATMENT FOR	
34 LIGHTING		35 WEATHER		36 PREMISE	
37 VERIFICATION		38 WEAPON USED		39 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE	
40 QUANTITY		41 STOLEN, RECOVERED, LOST, FOUND OR DESTROYED		42 DOLLAR VALUE	
43 MOTOR VEHICLE		44 CURRENCY, NOTES		45 JEWELRY	
46 ELECTRONICS		47 HOUSEHOLD		48 CONSUMABLE GOODS	
49 CHECK CATEGORIES		50 STOLEN		51 RECOVERED	
52 VEHICLE		53 VIN		54 VEHICLE	
55 AREA STOLEN		56 OWNERSHIP		57 WARRANT SIGNED	
58 ALTO INSURER NAME (COMPANY)		59 ADDRESS (STREET, CITY, STATE, ZIP)		60 PHONE	
61 STOLEN IN YOUR JURISDICTION?		62 RECOVERED IN YOUR JURISDICTION?		63 WHERE?	

TYPE OR PRINT IN BLACK INK

ACJIC-32 REV 8-98

INCHES

1

2

3

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5

6

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

REPORT CONTINUED		DATE AND TIME OF REPORT 04/12/04 0015H 15L 20		ALL PM MIL		CASE #		OFFENDER #		CHECK IF MULTIPLE SUSPECT MISSING PERSON	
NAME (LAST, FIRST, MIDDLE) Tedd Norman Budden		NICKNAME/ALIAS		RACE		SEX		DOB		AGE	
ADDRESS (STREET, CITY, STATE, ZIP) 550 Ashley Court Cheshire Alabama		HGT		WGT		EYE		HAIR		COMPLEXION	
PROBABLE DESTINATION SAPM		ARMED		WEAPON		ARRESTED		WANTED			
CLOTHING unknown		SCARS		MARKS		TATTOOS		ARRESTED		WANTED	
NAME (LAST, FIRST, MIDDLE) N		NICKNAME/ALIAS		RACE		SEX		DOB		AGE	
ADDRESS (STREET, CITY, STATE, ZIP) 0		HGT		WGT		EYE		HAIR		COMPLEXION	
PROBABLE DESTINATION		ARMED		WEAPON		ARRESTED		WANTED			
CLOTHING E		SCARS		MARKS		TATTOOS		ARRESTED		WANTED	
NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		ADDRESS (STREET, CITY, STATE, ZIP)		RES. PHONE		BUS. PHONE					
WITNESS #1 SSN		WITNESS #2 SSN		WITNESS #3 SSN		WITNESS #4 SSN					
<p>ON 06/17/04 Victim stated that she purchased a 2000 Ford Mustang from [redacted] Motors. She let [redacted] offender drive the vehicle with the promise that he would make the payments on the vehicle. Offender made 3 payments on the vehicle and now is 3 months behind on the payments. Victim called offender on 12/03/04 and told him to bring her the car or bring her the payments that were behind. Offender has not given the victim any money and now victim is unable to make contact with the offender. Victim is the Titleholder in power of vehicle and has documents showing sole ownership of vehicle. Victim will prosecute.</p>											
<p>I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for supplying the agency if any stolen property or missing person hereby reported is returned.</p>											
SIGNATURE <i>X Christy L. Stegall</i>											
MULTIPLE CASES CLOSED		CASE #		SFZ		CASE #		SFZ		CASE #	
CASE STATUS <input type="checkbox"/> PENDING <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED		CASE DISPOSITION: <input type="checkbox"/> CLEARED BY ARREST (JUV.) <input type="checkbox"/> CLEARED BY ARREST (ADULT) <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> ADM. CLEARED		EXCEPTIONAL CLEARANCE: <input type="checkbox"/> SUSPECT/OFFENDER DEAD <input type="checkbox"/> OTHER PROSECUTION <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> LACK OF PROSECUTION <input type="checkbox"/> JUVENILE, NO REFERRAL <input type="checkbox"/> DEATH OF VICTIM		REPORTING OFFICER <i>Calvin G. S. Charles</i>		ASSISTING OFFICER		SUPERVISOR APPROVAL	
DATE											

Witnesses

Christy Little John

133 Randall Circle
Unit 27

Clanton, AL 35045

Phone # (205) 755-8842

Hebra Allison

(205) 280-1847 H

(205) 294-1690 Cell

EXHIBIT 2

STATE OF ALABAMA)
COUNTY OF CHILTON)

VERIFIED STATEMENT OF CLAIM OF NORMAN TODD
AGAINST THE CITY OF CLANTON

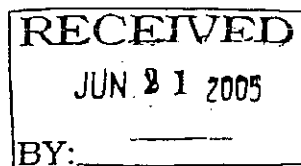
BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared Norman Todd, who first after being duly sworn by me, upon his oath did depose and say as follows:

"My name is Norman Todd. I currently reside at 33 North Forty Road, Alexander City, Alabama.

At the time of the matters hereinafter complained of, I was residing at 550 Ashley Court, Clanton, Alabama, which was one of the roads in a mobile home park known as Ashley Court Trailer Park. I was occupying a mobile home at said street address pursuant to a lease agreement entered into by and between myself and a Ms. Christine Thomas, who was then the owner of Ashley Court.

Subsequent to the entry into said lease agreement by myself and Ms. Christine Thomas, apparently a group known as Tasco, LLC became the owners of said Ashley Court Trailer Park and/or were the managers of said trailer park. A Ms. Debra Allison was the manager for Tasco, LLC.

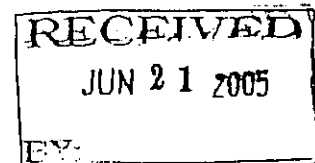
On or about Sunday, January 16, 2005, I spoke with a friend, Ms. Christie Littlejohn. She advised that she had entered my residence at 550 Ashley Court in Clanton, Alabama, and had removed some items. She advised that she gained entry into my mobile home through a police officer of the Clanton Police Department aiding her, whose name was Corporal Greg Charles. Ms. Littlejohn and Mr. Charles requested the manager, Debra Allison, open my mobile home to allow



Ms. Littlejohn into the trailer. After I learned of the entry into my mobile home, I went to my mobile home on the evening of January 16, 2005, with Michelle and James Mullis. It appeared as though the mobile home had been ransacked. Additionally, I had a shoe box on the kitchen counter which contained an assortment of items in it including three (3) sets of keys and two (2) rings valued at approximately twelve hundred (\$1,200.00) dollars. The items and contents of the box were removed to the bedroom and dumped on the bed. I found two (2) of the three (3) sets of keys on the coffee table in the living room but one set was missing which contained an extra set of keys to my mobile home doors. The door to the middle bedroom had been removed from its hinges and the back door had been left unlocked. Drawers and cabinets had been pulled out and plundered through. Items were taken out of the back bedroom and drug out into the hallway. While I do not know for a fact that the rings were taken by either Greg Charles nor Christie Littlejohn, I have not been able to find said rings since the two (2) of them entered my mobile home without my permission.

Additionally, on January 18, 2005, after this illegal entry was made into my mobile home, I was advised that a warrant for my arrest had been signed by Ms. Littlejohn for unauthorized use of a motor vehicle on January 10, 2005. I turned myself in, signed my bond and was released. I believe that this prosecution was aided by Mr. Charles and/or the magistrate for the City of Clanton, who allowed the warrant to be issued. My court date was February 22, 2005. The charges were dropped against me as I had been paying for the vehicle and there was no probable cause to justify the arrest in the first place.

I claim damages against the City of Clanton by reason of their police officer acting under color of the law, using his position as a police officer with the City of Clanton, individually and in his official capacity, in gaining entry into my mobile home through Ms. Debra Allison, the manager




of the mobile home park. Mr. Charles and the City of Clanton, by and through Mr. Charles, trespassed against my property; acted negligently in plundering the contents of my mobile home which resulted in the loss of my two (2) rings; performed an illegal search and seizure of my residence which was not substantiated by probable cause and was a warrantless search of the same thereby violating my Fourth, Fifth and Fourteenth Amendment rights; conspired to violate my Fourth, Fifth and Fourteenth Amendment rights in order to gain access to my mobile home under a warrantless search; thereafter, falsely and maliciously prosecuting me for an offense without probable cause; and abused the legal process, or conspired to abuse the legal process, by swearing out charge against me which were frivolous and false. I suffered damages as a result in that my mobile home was ransacked and placed in disarray; I have not been able to locate two (2) rings valued at approximately twelve hundred (\$1,200.00) dollars; as well as the fact that my constitutional rights were violated.

This claim is filed pursuant to Section 11-47-192, Code of Alabama, 1975, and represents notice of a claim filed against the City of Clanton."

Further, Affiant saith not.


 NORMAN TODD
 Affiant

SWORN TO and SUBSCRIBED before me on this the 16th day of June, 2005.


 NOTARY PUBLIC
 My Commission Expires: 7-16-05

